

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

YOU NEVER KNOW, LLC,

No. C 11-03695 WHA

Plaintiff,

v.

ORDER REMANDING ACTION

RON VANDERBECK,

Defendant.

Plaintiff filed this unlawful detainer action against defendant in March 2011, in the Superior Court of the State of California in and for the County of Placer (Dkt. No. 1 at 8). In July 2011, defendant removed the action to this district court, citing diversity of citizenship as the supposed basis for federal jurisdiction (Dkt. No. 1 at 1). Diversity jurisdiction, however, requires that “the matter in controversy exceeds the sum or value of \$75,000.” 28 U.S.C. 1332(a). Here, the amount claimed “does not exceed \$10,000.00” (Dkt. No. 1 at 8).

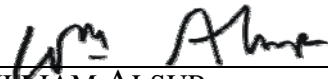
In September 2011, defendant failed to oppose plaintiff’s motion “to dismiss the Notice of Removal” and thereafter was ordered to show cause why this action should not be remanded for lack of jurisdiction. Defendant was warned that if he did not file a response or if his response failed to establish jurisdiction, the action could be remanded. (Dkt. No. 18). Defendant filed no response.

“[I]n a case that has been removed from state court to federal court under 28 U.S.C. § 1441 on the basis of diversity jurisdiction, the proponent of federal

jurisdiction — typically the defendant in the substantive dispute — has the burden to prove, by a preponderance of the evidence, that removal is proper.” *Geographic Expeditions, Inc. v. Estate of Lhotka*, 599 F.3d 1102, 1106–07 (9th Cir. 2010). Here, defendant has not shown any basis for exercising federal jurisdiction. The complaint did not plead an amount in controversy great enough to support diversity jurisdiction, and no claim arises under federal law. Accordingly, the action is **REMANDED** to the state court in which it was filed. The **CLERK SHALL FORWARD THE FILE** to the Superior Court of the State of California in and for the County of Placer.

IT IS SO ORDERED.

Dated: October 5, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE